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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,735	12/09/2003	Glory F. Alcantara	KCX-700 (19456)	5134
22827	7590	07/28/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/731,735		ALCANTARA ET AL.	
	Examiner		Art Unit	
	Melanie J. Hand		3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/29/04, 12/27/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on June 29, 2004 and December 27, 2004 were filed after the mailing date of the Application on December 9, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Objections

Claims 1, 2, 4, 11 and 14 are objected to because of the following informalities: the phrases "generally liquid permeable" (Claims 1 and 11), "generally liquid impermeable" (Claims 1 and 11), "tapers generally" (Claim 2) and "extends generally" (Claims 4 and 14) do not clearly describe the nature of the limitation in each of these claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi et al (UK Patent Application No. GB 2,273,659).

With respect to **Claim 1**: Nakanishi teaches a napkin 1 (Fig. 1) with a liquid permeable topsheet 2, a liquid impermeable antileakage sheet 3, and an absorbent layer 4 interposed between sheets 2 and 3 (Page 9, paragraph 6). Nakanishi teaches that napkin 1 has wing portions 17C that extend outwardly from each longitudinal edge and overlap one another and that the fixing element 17 as a whole extends substantially the entire length of the napkin 1 (Fig. 26) (Page 21, paragraph 3). Wing portions 17C have free ends that are normally bent inwardly 180° so that they contact each other at the longitudinal center of napkin 1 (Page 10, paragraph 1). Nakanishi teaches that these wing portions 7C are “U”-shaped and have ends that serve as the overlap region where the transversely opposite wing overlaps or underlaps said wing (Page 10, paragraph 1).

With respect to **Claim 2**: Nakanishi teaches that the end limbs of the “U”-shaped wings

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comprise the overlap region (Page 10, paragraph 1). When the limbs are bent over the topsheet, the bottoms of the "U"s are facing the transversely opposite lateral side edge. Since they are shaped like "U"s, the edge limbs of each wing 7C taper toward the direction of the opposite edge.

With respect to **Claim 3**: Nakanashi teaches that the end limbs of wings 7C (Fig. 2) are the portions that contact one another when the wings 7C are bent toward the longitudinal centerline. Since the end limbs are those portions of wings 7C closest to the centerline, they are the forward-most portions of each wing 7C.

With respect to **Claim 4**: As can best be seen in Figures 2 and 4 the wings 7C extend in a direction perpendicular to the lateral sides of napkin 1.

With respect to **Claim 6**: Nakanashi teaches that the edge portions are nonelastically deformed so as to allow the formation of bending habits or biases that tend to fold the the free ends of wings 7C as well as the end limbs, inward toward the centerline (Page 14, paragraph 2).

With respect to **Claim 9**: Nakanashi teaches that wings 7C are provided with adhesive on the undersides, designated as adhesive areas 8 and 9, so that the wings allow reliable attachment of the napkin 1 to the user's briefs (Page 10, paragraph 2).

With respect to **Claim 10**: Nakanashi teaches sanitary napkin 1 (Fig 1).

Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Molas (U.S. Patent Application Publication No. 2002/0077618).

With respect to **Claim 11**: Molas teaches a pantiliner with a liquid impermeable baffle, a liquid permeable liner and an absorbent core placed therebetween (Paragraphs 0022, 0023). Molas teaches side portions 4,5 that extend beyond the lateral edges of central area 3 which is in absorbent service when applied to the user's undergarment (Paragraph 0011). Molas teaches that the side areas are folded under the panty along fold lines when used with a thong panty (Paragraph 0010). As can best be seen from Figs. 1 and 2, and that Molas teaches that the side areas 4,5 are extensions of a uniform laminate structure defining pantiliner 1, the side areas 4,5 extend the entire length of the pantiliner 1 and thus extend longitudinally on both sides of the transverse centerline of pantiliner 1. As also can best be seen from Figs. 1 and 2, the fold lines, which Molas teaches define the central area 3 extend at an angle away from the lateral sides of central area 3 toward the outer corner of the outer edges of the side areas 4,5. The configuration of the fold lines and side areas 4,5 as taught by Molas is interpreted herein as causing a fold configuration that clearly results in an overlap region on both side areas 4,5 that resides entirely on one side of the transverse centerline. Molas teaches that the napkin in its entirety is hourglass shaped (Paragraph 0011), therefore the longitudinal forwardmost edges of the side areas 4,5, which are coterminal with the

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longitudinal edge of the napkin as a whole will be arcuate to match the farthest longitudinal edge, therefore the forwardmost edge of the side areas 4,5 must extend at an angle from the lateral side of said napkin.

With respect to **Claim 12**: As can best be seen from Figures 1 and 2, Molas teaches side areas 4,5 that are asymmetrically shaped.

With respect to **Claim 13**: Molas teaches that the periphery of the napkin includes side areas 4,5, interpreted here as meaning that the side areas span the entire length of each lateral edge (Paragraph 0033).

With respect to **Claim 14**: It is interpreted here that side areas 4,5 comprise an outer edge that extends in a direction generally perpendicular to the lateral edge of the napkin.

With respect to **Claim 15**: Molas teaches side areas that are asymmetric and substantially triangular in shape. A forwardmost edge is interpreted here as the edge shown in Figures 1 and 2 wherein the width of the side areas is at its greatest and the outer edge of the side areas 4,5 extends outward from the farthest edge toward said forward edge at an angle with respect to the longitudinal centerline. Since Molas teaches that the napkin in its entirety is hourglass shaped (Paragraph 0011), the longitudinal forwardmost edge of the side areas 4,5, which is coterminal with the

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longitudinal edge of the napkin as a whole will be arcuate to match the farthest longitudinal edge, therefore the forwardmost edge of the side areas 4,5 must extend at an angle from the lateral side of said napkin.

With respect to **Claim 16**: Molas teaches adhesive applied to the backing under the side areas 4,5 (Paragraph 0037), therefore the adhesive is interpreted herein as an attaching mechanism between overlap regions of each side area since the overlap regions are located on the side areas.

With respect to **Claim 17**: Molas teaches pantiliner 1 (Paragraph 0010).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi in view of Molas (U.S. Patent Application Publication No. 2002/0077618).

With respect to **Claim 5**: Nakanishi does not teach that wing portions 7C comprise a forwardmost edge that extends at an angle from a lateral side of napkin 1. Molas teaches side areas that are asymmetric and substantially triangular in shape. A forwardmost edge is interpreted here as the edge shown in Figures 1 and 2 wherein the width of the side areas is at its greatest and the outer edge of the side areas 4,5 extends outward from the farthest edge toward said forward edge at an angle with respect to the longitudinal centerline. Since Molas teaches that the napkin in its entirety is hourglass shaped (Paragraph 0011), the longitudinal forwardmost edges of the side areas 4,5, which are coterminal with the longitudinal edge of the napkin as a whole will be arcuate to match the farthest longitudinal edge, therefore the forwardmost edge of the side areas 4,5 must extend at an angle from the lateral side of said napkin. Molas teaches that pantliner 1 is a convertible pantliner that can be used with conventional or thong panties (Paragraph 0035), therefore it would be obvious to someone of ordinary skill in the art to modify the wing portions taught by Nakanishi such that their forwardmost edge extends at an angle so that the shape of napkin 1 is convertible and

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thus able to be used in a variety of undergarment styles, thereby affording more flexibility to the user.

With respect to **Claims 7 and 8**: Nakanishi does not teach that the bending biases extend at an angle with respect to the lateral side edge. Molas teaches fold lines 2 embossed in pantiliner 1 that extend the entire length of pantiliner 1 at an angle with respect to the lateral edges, toward said lateral edges. Molas teaches that these fold lines allow the side areas to be folded over the liner in absorbent service when a conventional panty is in use, or folded under to conform to the shape of a thong panty when that type is in use. It would be obvious to someone of ordinary skill in the art to modify the bending biases taught by Nakanishi to extend the length of napkin 1 at an angle as taught by Molas as this allows the user more flexibility in choice of undergarment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', written over the printed name of the primary examiner.